

**COMMONWEALTH OF MASSACHUSETTS**  
**State Building Code (780 CMR) Appeals Board**  
**Board's Ruling on Appeal<sup>1</sup>**

**Docket No. 08-641**

Appellant(s): Vernon Woodworth

vz.

Appellee(s): City/Town of Boston  
Thomas White

**Procedural History**

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant him a variance from 780 CMR 3404.13, for 329 Newbury Street, Boston, MA. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.*; and 780 CMR 122.3.4, the Board convened a public hearing on October 2, 2008 where all interested parties were provided with an opportunity to testify and present evidence to the Board.


The Appellant appeared for the hearing *pro se*. Gary Moccia from Boston ISD and others were present as well as shown on the sign in sheet that is on file with the Department of Public Safety.

**Discussion**

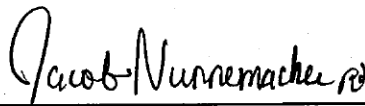
A motion was made to grant the Appellant's request for a variance from 780 CMR 3404.13, and allow an existing condition of an open stair to remain based on the testimony that the 7<sup>th</sup> edition of 780 CMR allows this condition and that the residential use of the 3<sup>rd</sup> floor will be changed to B-Use to accommodate an employee lounge and accessory office. The motion was contingent upon the installation of a full fire detection system and that the appellant would accommodate the Boston ISD request that emergency lighting be installed in the rear exit. There was a second on the motion and a board vote was taken, which was unanimous.

**Conclusion**

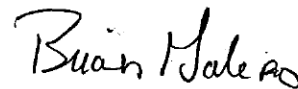
**The Appellant's request for a variance from 780 CMR 3404.13, is hereby granted and so ordered<sup>2</sup> on this date: October 2, 2008.**



Douglas Semple



Jacob Nunnemacher



Brian Gale

<sup>1</sup> This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108

<sup>2</sup> In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.